



BOSNIA AND HERZEGOVINA

STATEMENT

by

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the Responsibility to Protect

CHECK AGAINST DELIVERY

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Mr. President,

My delegation wishes to commend the President of the General Assembly and his effort to organize this important event, such as this morning's very productive and interactive exchange of opinions with distinguished panelists in regard to the very comprehensive Secretary-General report on the Responsibility to Protect.

Today, and in times that will come, the importance of the responsibility to protect especially in the light of protection of safety of people within state borders is an issue which United Nations and International Community must pay exceptional attention. As the world leaders outlined in the 2005 World Summit Outcome, the United Nations is responsible to undertake appropriate measures and collective action in accordance with the Charter, including Chapter VII, to protect population from genocide, war crimes, ethnic cleansing and crimes against humanity.

The notion of sovereignty implies the responsibility of State to protect its own population, and respect human rights. If the State is unable to do so, the International Community ought to take stand and adequate measures to put an end on such activities. Nor State, nor international community, especially the United Nations as the highest institutional form of multilateral diplomacy, have the right to turn a blind eye on any practice that could lead to the grave violation of the International humanitarian law.

The responsibility of Member States to respond collectively does not always have to be a choice between passive observing and use of military force. Some states need assistance of the international community to build their capacity to protect, however, a prerequisite for that is readiness of their political leaders to accept that truly. In that regard assistance of regional and sub-regional organizations and neighboring countries has a pivotal role. Regional organizations should have relevant instruments to support capacity building in the area of conflict prevention, rule of law and security sector reform, as well as development and human rights, protection of refugees and internally displaced persons.

However, when it is evident that diplomatic efforts fail, and when it is clear that states or non/state actors are committing or are about to commit crimes related to the responsibility to protect, collective international military

assistance, as proposed in the Secretary General Report A/63/677, may be the surest way to support the State in meeting its obligations relating to the responsibility to protect.

As the Report points out, the worst human tragedies of the past that occurred have no geographical or economic exclusiveness. Neither a state nor a region is safe from them. Today, as it was in the past, no international organization has full capacity neither to prevent conflict, nor to protect population from its consequences. Bosnia and Herzegovina attaches the utmost importance to the establishment of the United Nations' early warning capability which is recognized by the Summit. However, it raises the question on the establishment of mechanism which would effectively transcend from an early warning sign to the concrete action of the International Community and the United Nations.

State sovereignty can not be a definite obstacle when stepping up against the highest crimes known to humanity.

My delegation has no intention to blame and shame the International Community for what it had not done or what it had done too late with regard to the conflicts emerged during the process of dissolution of former Yugoslavia. However, I would like to remind that there were the clear warning signs. If there were political leaders, in the multiethnic society, that called upon the formation of exclusively ethnic states and at the same time disdaining or denying same rights to other ethnic groups, that was the warning sign. If there were media that had favorite leaders who were the true extremists, that was the warning sign. If there were the formations of armed groups it was not just a warning sign it was the last call before a disaster taking place.

Unfortunately, now it is well known what has happened afterwards. In that regard we would like to remind what was stated in the Judgment of the International Court of Justice in its ruling on February 26, 2007. I quote, "the acts were committed with the specific intent to destroy in part the group of the Muslims of Bosnia and Herzegovina as such; and accordingly that these were acts of genocide, committed [...] in and around Srebrenica from about 13 July 1995." Few days ago, we just commemorated 14 years of Srebrenica tragedy that took place in heart of Europe.

Today, we have an international institution and mechanisms that represent the legacy of an unfortunate time in our history, namely the International Criminal Tribunal for former Yugoslavia (ICTY). The important element to the prevention must be a strong message: perpetrators of crimes of genocide, war crimes, ethnic cleansing and crimes against humanity will be brought to justice and prosecuted.

Becoming a party to the international human rights instruments, international humanitarian law and refugee law and above all to the Rome Statute of the International Criminal Court should be seen as a factor of stability for every single State. Political leaders of a state party to the Rome Statute have to be aware that their actions or wrongdoings, with regard to the human rights or provisions of the International humanitarian law, are under observed. This dimension should not be underestimated. But it should not be misused. In that regard international standards have to be incorporated into the national legislation and carefully guarded. Domestic law, in that case, would be the first line of defense of human rights and humanitarian law.